

Nevada State Board  
of Massage Therapists  
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**BOARD MEMBERS:**

Billie Shea  
Michelle Viesselman  
Joe Cracraft  
Michael Smith

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**Email:**

[nvmassagebd@state.nv.us](mailto:nvmassagebd@state.nv.us)

**Website:**

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**BOARD MEMBERS:**

Sgt. Leonard Lorusso  
Tree Allemang  
Robin Graber  
Kathleen Pilgreen

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***MINUTES***

The Nevada State Board of Massage Therapists (NSBMT) is scheduled to hold its regularly scheduled meeting;

**DATE:** **August 13, 2010**  
**TIME:** **9:00 a.m.**

***LOCATION:***

***VIDEO CONFERENCE LOCATIONS:***

**Las Vegas Location**  
Grant Sawyer State Office Building  
Attorney General Office 4500  
555 E Washington Ave  
Las Vegas, NV

**or**

**Carson City Location**  
Attorney General Office  
Mock Court Room  
100 North Carson Street  
Carson City, NV

The mission of the Nevada State Board of Massage Therapists is to, through licensing and regulating the practice of massage, protect the public health, safety and welfare by ensuring that only qualified competent Massage Therapy Practitioners are licensed in the State of Nevada. It is our goal to balance the needs of the public with those of Licensed Massage Therapists, through development, implementation, enforcement, and continued improvement in the areas of therapist education, public safety, boundaries and ethics, in compliance with the highest standards set forth within the massage therapy profession.

**Pursuant to NRS 241.030 the Board may close a meeting to consider the character, alleged misconduct, competence or physical or mental health of a person.**

**Note: \* denotes agenda items on which action may be taken**

**Note: Formal Hearing Schedule Item # 2**

9:00 a.m.

## 1. Roll Call/Introduction of Board Members

Meeting called to order at 9:06 a.m. by Chairperson Billie Shea.

Board Members Present: Billie Shea, Robin Graber, Kathleen Pilgreen, Joe Cracraft, Michelle Viesselman and Michael Smith.

Board Members Absent: Sgt. Leonard Lorusso (with Notification) and Tree Allemang (with Notification).

## 2. \* Formal Hearing

a. 9:00 a.m. Xiu Lan Jiang – Present; Feng Jiang, Interpreter – Present.

Keith Marcher, Chief Deputy Attorney General stated that this is Case Number C-0954 and Xiu Lan Jiang's license number is NVMT.4464. Mr. Marcher stated that after talking with Lisa Cooper, it is his understanding that Ms. Jiang would like to stipulate on record to the violation. He stated that he will have Ms. Jiang sworn in and he will ask her some questions.

Xiu Lan Jiang and Feng Jiang were sworn in by the Court Reporter.

Mr. Marcher asked Ms. Jiang if she has read and if she understands the contents of the complaint?

Ms. Jiang stated Yes.

Mr. Marcher asked Ms. Jiang if she admits that she is in violation of the Board?

Ms. Jiang stated Yes.

Mr. Marcher asked Ms. Jiang if she understands that the admission may subject her to further disciplinary action?

Ms. Jiang stated Yes.

Mr. Marcher stated that he asks the Board to find Xiu Lan Jiang guilty of violating NRS 640C.700.9.

**Motion:** Michelle Viesselman made a motion to find Xiu Lan Jiang guilty of violating NRS 640C.700.9

**Seconded:** Joe Cracraft

**Motion carried.**

Ms. Jiang stated that she will pay the fine. She stated that when the Board was trying to contact her, she was in New Mexico, and when she came back, she was sick.

Billie Shea asked Ms. Jiang if she is licensed in New Mexico?

Ms. Jiang stated Yes.

Ms. Shea asked Ms. Jiang how long she was sick?

Ms. Jiang stated seven months.

Ms. Shea asked when the original Order was given?

Michael Smith stated December 23, 2009.

Lisa Cooper stated that the office has made several attempts to contact Ms. Jiang. She stated that she had Alex Young in her office some time ago while she was in Las Vegas, and that he interpreted to Ms. Jiang, and that Ms. Jiang stated that she was going to pay the fine. Ms. Cooper stated that she did not think Ms. Jiang would not pay.

Joe Cracraft asked Ms. Cooper why the Board did not know that Ms. Jiang was working in New Mexico?

Ms. Cooper stated that Ms. Jiang did not state that information and this is something that is not normally checked.

Ms. Shea stated that this information is typically seen only on the initial application if the applicant states the information.

Ms. Jiang stated that New Mexico only requires 500 hours of education.

Ms. Cooper stated Nevada does also.

**Motion:** Michelle Viesselman made a motion to suspend the license for Xiu Lan Jiang for a minimum of two years, pay the original fine plus the Hearing costs.

Mr. Marcher suggested that the motion not include the costs of the hearing because of the stipulation. He stated that if the Board wished to order an additional fine that would be okay because that would be disciplinary action.

**Amended Motion:** Michelle Viesselman made a motion to suspend the license for Xiu Lan Jiang for a minimum of two years, pay the original fine plus an additional \$500.00 fine.

**Seconded:** None

**Motion does not carry.**

**Motion:** Robin Graber made a motion to suspend the license for Xiu Lan Jiang until the original fine is paid plus an additional \$500.00 fine.

**Seconded:** Michelle Viesselman

**Motion carried.**

- b. 9:30 a.m. Xiu Hua Almanza – Present; Alex Young, Interpreter – Present.

Keith Marcher, Chief Deputy Attorney General stated that it is his understanding that Ms. Almanza wants to stipulate on the record in regards to the allegations in Case No. C-

1023. He stated that Ms. Almanza's license number is NVMT.4393 and at this time, he does not have a signed stipulation.

Ms. Almanza was sworn in by the Court Reporter.

Mr. Marcher asked Ms. Almanza if she has read the stipulation and if she understands it?

Ms. Almanza stated Yes.

Mr. Marcher asked Ms. Almanza if she admits that she is in violation of the Board?

Ms. Almanza stated Yes.

Ms. Marcher asked Ms. Almanza if she understood that admission of being in violation may subject her to further disciplinary action today?

Ms. Almanza stated Yes.

Mr. Marcher stated that he asks the Board to find Xiu Hua Almanza guilty of violation NRS.640C.700.9.

**Motion:** Michelle Viesselman made a motion to find Xiu Hua Almanza guilty of violating NRS.640C.700.9

**Seconded:** Joe Cracraft

**Motion carried.**

Lisa Cooper stated that Ms. Almanza had completed six hours of Ethics on August 3, 2010, but has yet to submit it to the office. Ms. Cooper stated that Ms. Almanza is technically in compliance with the Board. She stated that the office made several attempts to contact Ms. Almanza asking for her Ethics course, however, Ms. Almanza never responded. She stated that Ms. Almanza was out of the country for a period of time.

Ms. Almanza stated that she is sorry. She stated that she went to China and forgot about the Ethics course.

Mr. Marcher stated that this case is not earth shattering. He stated that she is late in taking the course and recommends a penalty but nothing serious.

Robin Graber asked if Ms. Almanza is on probation?

Ms. Cooper stated Yes.

Ms. Graber asked when will Ms. Almanza be off of probation?

Ms. Cooper stated that Ms. Almanza has not started working yet and she does not get time off until she begins to work.

Ms. Graber asked if Ms. Almanza could be working?

Ms. Cooper stated Yes, however, she has not found an establishment to work for.

**Motion:** Robin Graber made a motion to have Xiu Hua Almanza pay a \$500.00 fine.

**Seconded:** Michelle Viesselman

Billie Shea stated that she feels Ms. Almanza should have a written reprimand in her file for her lack of diligence, and she feels it should go on her permanent record.

**Amended Motion:** Robin Graber amended her motion for Xiu Hua Almanza to pay a \$500.00 fine and have a written reprimand in her file.

**Seconded:** Michelle Viesselman

**Motion carried.**

Mr. Marcher asked how long does Ms. Almanza have to pay the fine?

Ms. Cooper stated it is typically 90 days.

- c. 10:00 a.m. Lianzhi Sun – Present; Kirk Kennedy, Attorney-At-Law – Present; Wai Mei Borgel, Interpreter – Present.

Kirk Kennedy stated that he has a stipulated resolution for Lianzhi Sun if the Board is willing to accept. He stated that Ms. Sun is stipulating to the allegations of violating NRS 640C.700.9, agreeing to a 45 day suspension with a \$2,000.00 fine and \$500.00 in administrative costs.

Keith Marcher, Chief Deputy Attorney General stated that he has no objections to this agreement and because there was not time to sign the agreement, it is being put on the record. He stated that he asks the Board to approve the settlement on the record and he will get an Order for her to sign.

**Motion:** Joe Cracraft made a motion to accept the settlement agreement for Lianzhi Sun.

**Seconded:** Michael Smith

**Motion carried.**

### 3. \*Settlement Agreements

- a. Yun Xuan Lu – Not Present; Jack Buchanan, Attorney-At-Law - Present.

Jack Buchanan stated that Yun Xuan Lu signed an agreement for a \$1,500.00 fine and \$500.00 in administrative costs, payable within 90 days. He stated that there is no suspension in this case.

Keith Marcher, Chief Deputy Attorney General stated this is the agreement.

**Motion:** Michael Smith made a motion to accept the signed agreement for Yun Xuan Lu.

**Seconded:** Michelle Viesselman

**Motion carried.**

b. Xue Rong Fu – Not Present.

Keith Marcher, Chief Deputy Attorney General stated that Xue Rong Fu has signed an agreement for voluntary surrender of license and he asks the Board to accept the agreement.

**Motion:** Michael Smith made a motion to accept the Voluntary Surrender of License for Xue Rong Fu.

**Seconded:** Michelle Viesselman

**Motion carried.**

c. Jin Liu – Not Present.

Keith Marcher, Chief Deputy Attorney General stated that Jin Liu has signed an agreement for a 45 day suspension of license with a \$2,000.00 fine and \$500.00 in administrative costs.

**Motion:** Kathleen Pilgreen made a motion to accept the agreement for Jin Liu.

**Seconded:** Joe Cracraft

**Motion carried.**

d. Fu Ping Qian – Not Present.

Keith Marcher, Chief Deputy Attorney General stated that Fu Ping Qian has agreed to a 90 day suspension of license with a \$500.00 fine and \$500.00 in administrative costs.

**Motion:** Robin Graber made a motion to accept the agreement for Fu Ping Qian.

**Seconded:** Michael Smith

**Motion carried.**

e. Hongqin Jiang – Not Present.

Keith Marcher, Chief Deputy Attorney General stated that Hongqin Jiang has signed an agreement for a 45 day suspension of license with a \$2,000.00 fine and \$500.00 in administrative costs.

**Motion:** Michelle Viesselman made a motion to accept the agreement for Hongqin Jiang.

**Seconded:** Kathleen Pilgreen

**Motion carried.**

4. \*Review of CEH Not Approved by Chairperson

a. Christine Hale – Review Approval/Denial of CEH: Yoga Teacher Training – Not Present.

Lisa Cooper stated that Christine Hale is before the Board due to Continuing Education not approved by the Board Chair.

Michelle Viesselman stated that Ms. Hale was at the last meeting and the Board requested to have a breakdown in Anatomy and Physiology, which Ms. Hale has given.

Michael Smith stated that part of it is Yoga Anatomy.

Ms. Viesselman stated that she would have liked to been able to ask Ms. Hale questions.

Ms. Cooper stated that in the past, the Board has approved some anatomy.

Ms. Viesselman stated that the information provided states that there is a difference between Yoga Anatomy and Medical Anatomy and both were taught in the class.

Mr. Smith stated he would like to know how many hours were taught in each.

Robin Graber stated there is no difference in the two, and both are still dealing with the human body.

Ms. Viesselman stated Yes, there is a difference.

Ms. Graber stated that she disagrees.

Joe Cracraft stated that in his limited experience in Yoga, many instructors do not know the difference between Abduction and Adduction.

Ms. Graber stated that does not mean anything.

**Motion:** Michael Smith made a motion to grant 12 hours of Continuing Education for Anatomy for Christine Hale.

**Seconded:** Joe Cracraft

**Motion carried.**

- b. Khatsaya Prejean – Review Approval/Denial of CEH: General Psychology – Not Present.

Lisa Cooper stated that Khatsaya Prejean is before the Board due to Continuing Education not approved by the Board Chair.

Michael Smith stated that Psychology is outside the scope of practice.

**Motion:** Michael Smith made a motion to deny General Psychology for Khatsaya Prejean.

**Seconded:** Kathleen Pilgreen

Ms. Cooper asked for the record if the Board members read the letter that was sent with the document?

The Board Members stated Yes.

**Motion carried.**

- c. Lori Marhanka – Review Approval/Denial of CEH: CPR & First Aid, Spanish Conver I – Not Present.

Lisa Cooper stated that Lori Marhanka is before the Board due to Continuing Education not approved by the Board Chair.

Robin Graber asked how many hours for CPR & First Aid?

Michael Smith stated 15 hours.

Billie Shea stated that in the past, the Board has not approved CPR or First Aid.

Robin Graber asked why?

Ms. Cooper stated that originally, the Board wanted there to be a requirement for CPR and First Aid, however, at that time, some members decided that it should not be a continuing education, but a personal fulfillment. Ms. Cooper stated that because some members were adamant, stating that they have never had anyone bleed out on their table, the requirement was removed from the NAC's and the Board has always looked at it as personal fulfillment.

Ms. Shea stated that at that time, local jurisdictions also required First Aid training, so when the NAC was drafted, it was done with that in mind also.

Ms. Graber stated that this should be changed.

Joe Cracraft stated that if someone is doing a recertification in CPR it is not 15 hours.

Ms. Cooper stated that one college course is equal to 15 hours.

**Motion:** Michelle Viesselman made a motion to accept CPR & First Aid for 15 hours and deny Spanish Conver I for Lori Marhanka.

**Seconded:** Michael Smith

Joe Cracraft stated he would like two motions made.

**Amended Motion:** Michelle Viesselman made a motion to deny Spanish Covr I for Lori Marhanka based on personal development.

**Seconded:** Michael Smith

**Motion carried.**

**Motion:** Michelle Viesselman made a motion to grant 15 hours for CPR & First Aid for Lori Marhanka, and this course will be done on a case by case basis.

**Seconded:** Michael Smith

**In Favor:** Michael Smith, Michelle Viesselman, Robin Graber, Kathleen Pilgreen

**Opposed:** Joe Cracraft

**Motion carried.**

- d. Cynthia D. Hallam – Review Approval/Denial of CEH: Heartsaver CPR/Heartsaver AED and Psychological First Aid - Not Present.

Lisa Cooper stated that Cynthia Hallam is before the Board due to Continuing Education not approved by the Board Chair.

**Motion:** Michelle Viesselman made a motion to grant six hours for CPR and deny all other courses based on scope of practice for Cynthia Hallam.



**Seconded:** Michael Smith

**In Favor:** Michelle Viesselman, Michael Smith, Robin Graber, Kathleen Pilgreen

**Opposed:** Joe Cracraft

**Motion carried.**

- e. Octavia Vaughn – Review, Approval/Denial of CEH: Yoga Teacher Training – Not Present.

Lisa Cooper stated that Octavia Vaughn is before the Board due to Continuing Education not approved by the Board Chair.

Robin Graber stated that there is no Anatomy in this Yoga Training class.

**Motion:** Michelle Viesselman made a motion to deny Yoga Teacher Training for Octavia Vaughn based on scope of practice.

**Seconded:** Robin Graber

**Motion carried.**

- f. Jean E. Kiernan – Review Approval/Denial of CEH: Creating A Culture of Inquiry and Mini Internship Program – Not Present.

Lisa Cooper stated that Jean Kiernan is before the Board due to Continuing Education not approved by the Board Chair.

Michelle Viesselman stated that this Continuing Education is outside the scope of practice.

**Motion:** Michelle Viesselman made a motion to deny Creating A Culture of Inquiry and Mini Internship Program for Jean Kiernan.

**Seconded:** Joe Cracraft

**Motion carried.**

- g. Barbara Woods – Review, Approval/Denial of CEH: Humans Being More Training – Not Present.

Lisa Cooper stated that Barbara Woods is before the Board due to Continuing Education not approved by the Board Chair.

Michelle Viesselman stated that this training is not in the scope of practice.

**Motion:** Michelle Viesselman made a motion to deny Humans Being More Training for Barbara Woods.

**Seconded:** Robin Graber

**Motion carried.**

- h. Marjorie Lamoureux – Review, Approval/Denial of CEH: Innovative Educational Services, Complementary & Alternative Medicine, Bone Health and Disease and Alzheimer's Disease – Not Present.

Lisa Cooper stated that Marjorie Lamoureux is before the Board due to continuing education not approved by the Board Chair.

Michelle Viesselman stated that the only part pertaining to Massage Therapy is Bone, Health and Disease.

**Motion:** Michelle Viesselman made a motion to deny Innovative Educational Services, Complementary & Alternative Medicine and Alzheimer's Disease and to grant five hours for Bone Health and Disease.

**Seconded:** Michael Smith

**Motion carried.**

- i. Laurice Crumley Johnson – Review Approval/Denial of CEH: Intro to Animal Behavior – Not Present.

Lisa Cooper stated that Laurice Crumley Johnson is before the Board due to continuing education not approved by the Board Chair.

**Motion:** Michael Smith made a motion to deny Intro to Animal Behavior for Laurice Crumley Johnson based on scope of practice.

**Seconded:** Michelle Viesselman

**Motion carried.**

- j. Lori Cloutier – Review, Approval/Denial of CEH: Colour and Light on the Pathways Level 2 – Present.

Billie Shea stated that it is her authority to look at CEH's and if she believes that the Board will accept the hours, she will approve. She stated that if she thinks that one Board Member will disagree, she will not approve the CEH's and will bring them before the Board for review. She stated that because the courses are before the Board, does not mean that she does not think the education is good.

Lisa Cooper stated that the previous policy was that if the Chair denied the CEH, it was sent back to the applicant, and they could either appeal the decision, or they could take another course. She stated that the new policy is that if the Chair does not approve the CEH, it is automatically brought before the Board for review, which is why the Board is beginning to see more CEH's not approved by the Chair.

Michelle Viesselman stated that she feels this creates a hardship for both the Board and the applicant. She stated the applicant is not given a clear indication as to what is expected, whereas, if they knew the Chair denied the education, they may make other choices. She stated that the majority of the time, the courses end up denied by the Board. She stated she would like to see this policy on the Agenda for the October meeting.

Lori Cloutier stated that this is part of a massage modality that they do at The Palm's. She stated that it is a lot of energy work. She stated that Auro-Soma is not Nationally Certified, however, she is working with the teacher to become certified.

Ms. Shea recommended that the teacher also become certified with the State, so that in the future, people who take this course will not have to appear before the Board and it will automatically be approved.

Ms. Viesselman asked Ms. Cloutier if this is a modality that uses a light pen?

Ms. Cloutier stated Yes, but it is more energy work.

Ms. Viesselman asked Ms. Cloutier if they sell the light pen?

Ms. Cloutier stated Yes.

Ms. Viesselman asked if essentially they created the class to promote their product? She stated that it is not necessarily a bad thing, but their product, which is a light pen is used to do the therapy?

Ms. Cloutier stated Yes.

Joe Cracraft asked Ms. Shea why she wanted the Board to review this course?

Ms. Shea stated that the course shows a lot of Chinese Theory, however, it was not an easy read for her. She stated that she could not grasp the whole concept and thought that more eyes to review the information would be better.

Ms. Viesselman stated that she feels it is a variation of Acupuncture using a light pen. She stated that although she uses variations on Acupuncture, she does not feel that it applies to her massage license.

Robin Graber stated that because it is a course that uses a product that they sell, she doesn't see why the course should not be approved. She stated that if people choose to practice this modality, and it is obvious that the clients want to receive it, the Board should grant the CEH.

**Motion:** Robin Graber made a motion to grant 36 hours for Lori Cloutier for Colour and Light on the Pathways Level 2.

**Seconded:** Kathleen Pilgreen

Michael Smith stated that the light pen bothers him. He stated that they are using this to push their product. He stated that the material looks good, and it is things that he has learned in massage school as well.

Ms. Graber stated that it is not the Board's business if they are pushing their product.

Mr. Smith stated that it is not fair for a company to bring someone into their group to receive information, however, the only way to get the information is to buy their product first.

Ms. Graber asked Mr. Smith what is the difference in someone teaching hot towels?

Mr. Smith asked if someone is selling them a hot towel to take the course?

Ms. Viesselman stated that her objection is based on the course relating more to Acupuncture.

Ms. Graber stated that the Board accepts Shiatsu and Accupressure.

Ms. Viesselman stated that it is a grey zone and people will disagree on it.

Mr. Smith stated that because he does not agree with the light pen, he would like to see 24 hours approved instead of 36 hours.

Board discussion held on how many hours to grant Ms. Cloutier.

Ms. Viesselman asked Ms. Cloutier how was the light pen utilized?

Ms. Cloutier stated that it strokes the meridian. She stated that during a massage, the therapist goes over different areas feeling for hot and cold. She stated they would then take the light pen and go across the meridians. She stated if they feel the depletion, they will stroke that particular pathway.

Ms. Shea stated that Ms. Cloutier did a lot of learning about meridians and how to feel for energy and she thinks that it is worth 36 hours.

Mr. Smith stated that he disagrees because Ms. Cloutier has to use a light pen.

Ms. Cloutier stated that she does not have to use the pen.

Kathleen Pilgreen stated that the pen is all about color and it is used for energy waves for that particular color.

Billie Shea restated the motion.

**Motion:** Robin Graber made a motion to grant 36 hours for Lori Cloutier for Colour and Light on the Pathways Level 2.

**Seconded:** Kathleen Pilgreen

**Motion carried.**

- k. Mary Harger – Review Approval/Denial of CEH: Contact Reflex Analysis: Position Yourself for Success and Experiencing CRA with Dr. Dick Versendaal – Not Present.

Lisa Cooper stated that Mary Harger is before the Board due to continuing education not approved by the Board Chair.

**Motion:** Michelle Viesselman made a motion to deny Contact Reflex Analysis: Position Yourself for Success and Experiencing CRA with Dr. Dick Versendall for Mary Harger based on scope of practice.

**Seconded:** Joe Cracraft

**Motion carried.**

- l. Kathleen Glazier – Review Approval/Denial of CEH: Colour and Light on the Pathways Level 1 – Not Present.

**Motion:** Robin Graber made a motion to grant 36 hours of rollover for Colour and Light on the Pathways for Kathleen Glazier.

**Seconded:** Kathleen Pilgreen

**Motion carried.**

- m. Tammi N. Odell – Review Approval/Denial of CEH: Seifukujutsu Therapy – Ongoing Education – Not Present.

Lisa Cooper stated that Tammi Odell is before the Board due to Continuing Education that was not approved by the Board Chair.

Robin Graber stated that she looked up Seifukujutsu, and it is a Japanese Restoration.

Michelle Viesselman stated that it is also listed as a Martial Art.

Ms. Graber stated that it is a restoration and that is how she interpreted it. She stated that the class also taught about Carpel Tunnel and Tendonitis.

**Motion:** Robin Graber made a motion to grant eight hours for Seifukujutsu Therapy for Tammi Odell.

**Seconded:** Kathleen Pilgreen

**Motion carried.**

- n. Nancy Garlinger - Review Approval/Denial of CEH: Electrocardiogram – Present; James Bartel, Character Witness – Present.

James Bartel stated that Nancy Garlinger works for Lions Health First Foundation, which is a charity that does medical screenings and ultra sounds for seniors looking for signs of cancer, stroke or heart attack. He stated that Ms. Garlinger is an EKG technician, and she also offers massage and reflexology to some of the people. He stated that Ms. Garlinger did a 96 hour program on Electrocardiogram and the Board did not feel the course was applicable to massage. He stated that he wrote a letter to explain in writing why he thinks at least a portion of the course would apply to massage, one week each in Ethics and HIPPA, and two weeks each in Infectious Disease and Anatomy and Physiology.

Robin Graber asked Lisa Cooper if 14 hours for Orthopedic Massage were already given to Ms. Garlinger?

Ms. Cooper stated that if continuing education applies to massage, it is automatically approved in the office and the license is issued. She stated that the only courses in front of the Board are the ones that are in question.

Joe Cracraft stated that Ethics and Anatomy and Physiology apply.

Michelle Viesselman stated that there is no hour breakdown.

Billie Shea stated one week is equal to eight hours.

**Motion:** Joe Cracraft made a motion to grant 24 hours for Ethics and Anatomy and Physiology for Nancy Garlinger.

**Seconded:** Robin Graber

**Motion carried.**

- o. Laura A. Hennings – Review Approval/Denial of CEH: Spiritual Healing Through Mantra, Mudra Yajnya, Puja and Lifestyle – Not Present.

Lisa Cooper stated that Laura Hennings is before the Board due to continuing education not approved by the Board Chair.

Robin Graber stated this course is more for personal development and not in the scope of practice.

**Motion:** Robin Graber made a motion to deny Spiritual Healing Through Mantra, Mudra Yajnya, Puja and Lifestyle for Laura Hennings based on the fact it is for personal development.

**Seconded:** Michelle Viesselman

**Motion carried.**

- p. Cassandre A. Buckalew - Review Approval/Denial of CEH: Basic Animal Massage and Care Provider Certificate Program – Present.

Lisa Cooper stated that Cassandre Buckalew is before the Board due to continuing education not approved by the Board Chair.

**Motion:** Michelle Viesselman made a motion to deny Basic Animal Massage and Care Provider Certificate Program for Cassandre Buckalew based on scope of practice.

**Seconded:** Michael Smith

**Motion carried.**

- q. Lena Covello - Review Approval/Denial of CEH: Insight Journeys – Not Present.

Lisa Cooper stated that Lena Covello is before the Board due to continuing education not approved by the Board Chair.

**Motion:** Robin Graber made a motion to deny Insight Journeys for Lena Covello because it is a personal development course.

**Seconded:** Michael Smith

**Motion carried.**

- r. Stephanie Dolinac - Review Approval/Denial of CEH: Personal Fitness Trainer Certification – Not Present.

Lisa Cooper stated that Stephanie Dolinac is before the Board due to continuing education not approved by the Board Chair.

**Motion:** Michelle Viesselman made a motion to deny Personal Fitness Trainer Certification for Stephanie Dolinac based on scope of practice.

**Seconded:** Robin Graber

**Motion carried.**

## 5. \* Petition to Appear

- a. David Otto – Discussion/Approval/Denial of granting attendees of the 5/8/11 Massage World Record Project Event that are out-of-state massage therapists the ability to

practice massage without a current Nevada State Board of Massage Therapists License.  
– Present.

**This item was taken simultaneously with Agenda Item 13a, Special Event Policy.**

- b. Lih Shaya Lee – Requesting to Have Probation Reconsidered and to be Granted an Agreement for Fine – Present; Kirk Kennedy, Attorney-At-Law - Present; Wai Mei Borgel, Interpreter – Present.

Lisa Cooper stated that Lih Shaya Lee came before the Board in October, 2009 on an Application Review and was issued a Probationary License. She stated that Ms. Lee has not been able to find employment and is requesting to have her probation converted to an administrative fine and fee of \$500.00 each, totaling, \$1,000.00. Ms. Cooper stated that Ms. Lee was denied a license in 2007 and reapplied in March of 2009. She stated that the Board granted Ms. Lee a restricted license in October of 2009. She stated that Ms. Lee has done due diligence in getting her Massage Therapy License.

Joe Cracraft asked if the reason she is not working is because it is hard to find a supervisor?

Ms. Cooper stated that seems to be the case with a lot of establishments, that if someone has a restricted license, they are reluctant to hire that person. She stated this is why we started doing suspensions with a fine, that way, they can find work without having a stipulation on their license.

Billie Shea stated that she wonders if the Board is being affective, and if this is something that the Board may need to take a look at.

Michelle Viesselman stated that a lot of people get jobs that have a Probationary License. She stated that jobs are out there, it is just the establishment that the person may want to work at.

Michael Smith stated that he feels this is a work around. He stated that anyone can say that they are unable to find employment, and come back to the Board and plea for a fine. He stated that he feels this is a back door for people and feels that the Board needs to get tighter control, although he is unsure how to do this.

Ms. Shea asked Ms. Cooper to place this item on the Agenda for the October Board Meeting.

Ms. Viesselman asked what agreement Ms. Lee is looking for?

Mr. Kennedy stated that the original order was for a Probation License for a minimum of one year as of November 5, 2009.

Ms. Shea asked if Ms. Lee was ordered to pay a fine?

Mr. Kennedy stated that he did not see any fine listed. He stated that Ms. Lee has been on probation without any violations since November 2009.

Ms. Shea stated that is not true because Ms. Lee has not been working.

Mr. Kennedy stated that Ms. Lee has been under the guidance of the probationary window for approximately nine or ten months now and she has had trouble finding work. He stated that Ms. Lee is asking for a \$500.00 fine and \$500.00 in administrative costs so that she can have her license issued. He stated the sole reason Ms. Lee came to him was because she is having a hard time finding work, and in the past, he has been before the Board with similar cases. He stated that he understands that some people are wondering why they are on probation and others can pay a fine, and he understands that this issue has to be addressed, but hopefully, it will not be today.

Ms. Shea stated that is why the Agenda is continually growing.

Ms. Viesselman stated that \$500.00 and \$500.00 is traditionally lower than what others have been converted to in the past.

Ms. Shea stated that is what Ms. Lee is asking for.

Ms. Cooper stated that the reason this case is lower is because Ms. Lee applied in 2007 and was denied. She stated that Ms. Lee was not working during that time in massage therapy and she came back again in 2009, and was granted her license. She stated that Ms. Lee thought she would be able to work, however, she was still unable to find work.

Ms. Shea asked if Ms. Lee was on probation because of the past denial?

Ms. Cooper stated Yes and because it has been a two year span of Ms. Lee not practicing in massage therapy, that is why the fees are lower than what has been in the past.

Keith Marcher, Chief Deputy Attorney General stated that for consistency, he recommends that the Board review this case today, however, in the future, develop some sort of policy. He stated that there are people who are currently on probation, but he stated that the number of probation people is dwindling. He stated that going forward, the Board should develop a policy that states if a person is on probation, and they wish for it to be converted, they must show evidence that they are unable to find work because of the probation, and not appear before the Board and state that they are unable to find work. He stated the Board needs to develop something more concrete in the future.

**Motion:** Michelle Viesselman made a motion to accept the agreement for Lih Shaya Lee to convert probation and pay a \$500.00 fine and \$500.00 in administrative costs.

**Seconded:** Joe Cracraft

**Motion carried.**

- c. Gebauer Company - Requesting to Have The Board Grant Permission to Massage Therapists in Nevada to use Spray and Stretch Topical Aerosol Skin Refrigerant – Not Present.

Lisa Cooper stated that the Gebauer Company is going through all Massage Boards and requesting them to review their information to see if therapists can use their product.



Billie Shea stated that this is a spray that is a refrigerant, and if not used properly, can cause problems.

Michelle Viesselman stated that technically it is an Anesthetic.

Michael Smith stated that this is by prescription only, unless you are given permission by a Licensed Healthcare Practitioner.

Ms. Viesselman stated that an Aesthetician can use this as a pretreatment for certain forms of facials.

Kathleen Pilgreen asked how is this product different than something like Biofreeze?

Ms. Viesselman stated that Biofreeze is not an anesthetic.

Ms. Shea stated that this product is also 20 times colder than Biofreeze.

Ms. Viesselman asked Keith Marcher if our law allows the Board to consider using this product?

Mr. Marcher stated that off the top of his head, he does not think so.

Ms. Cooper stated that our law reads movements applied manually with or without superficial heat, cold or water, but it does not state what the cold could be.

Robin Graber stated that Chiropractors are not allowed to use this product and if used incorrectly, when sprayed, can make an incision in the skin.

**Motion:** Michelle Viesselman made a motion to deny the use of Spray and Stretch Topical Aerosol Skin Refrigerant.

**Seconded:** Robin Graber

**Motion carried.**

## 6. \*Citation Appeal

- a. Thousand Feet Reflexology – Requesting to be Granted a Hearing Regarding a Citation that was Issued on May 11, 2010 – Li Qin Chi – Present; Wai Mei Borgel, Interpreter – Present.

Keith Marcher, Chief Deputy Attorney General stated that this is a Citation Appeal for Thousand Feet Reflexology. He stated that he will present the history, call the inspector and ask questions, and then Thousand Feet Reflexology can ask any questions they may have. He stated that at that point, the Board will decide whether or not to uphold the Citation.

Billie Shea asked Li Qin Chi what her relationship is with the business? She asked Ms. Chi if she was the owner or the manager?

Ms. Chi stated No. She stated that she is trying to buy the business and the owner is currently in China and asked her to come today.

Mr. Marcher stated that there are three exhibits in this case.

Exhibit 1: Copy of the compliance check issued on January 30, 2009.

Exhibit 2: Citation issued to Thousand Feet Reflexology on May 11, 2010.

Exhibit 3: Copies of photos of the sign taken at the establishment.

Lisa Cooper stated for the record that Ms. Chi also has the sign with her.

Mr. Marcher asked Ms. Chi if she has any objections to the Board seeing the Exhibits?

Ms. Chi stated Yes.

Mr. Marcher asked Ms. Chi why she is objecting to the Board seeing the documents?

Ms. Shea asked Ms. Borgel to interpret for Ms. Chi. Ms. Shea asked Mr. Marcher if the Board should table the Citation Appeal, since Ms. Chi does not appear to be prepared?

Mr. Marcher stated that it is their appeal, so if they are not ready, it is not the Board's issue.

Ms. Borgel reviewed the documents with Ms. Chi and Ms. Chi stated Yes, the Board can see the Exhibits.

Mr. Marcher called Jatasha Millikin as a witness. Ms. Millikin was sworn in by the Court Reporter.

Mr. Marcher asked Ms. Millikin to state and spell her name for the record.

Ms. Millikin stated Jatasha Millikin.

Mr. Marcher asked Ms. Millikin where does she work?

Ms. Millikin stated the Nevada State Board of Massage Therapists.

Mr. Marcher asked Ms. Millikin what does she do for the Board?

Ms. Millikin stated she is a Field Inspector for the Las Vegas office.

Mr. Marcher asked Ms. Millikin how long she has been working for the Board?

Ms. Millikin stated for two and a half years.

Mr. Marcher asked Ms. Millikin if she is familiar with the Thousand Feet Reflexology establishment?

Ms. Millikin stated Yes.

Mr. Marcher asked Ms. Millikin if she recalls visiting the establishment in January 2009?

Ms. Millikin stated Yes.

Mr. Marcher asked Ms. Millikin why did she go to the establishment?

Ms. Millikin stated because they were advertising massage.

Mr. Marcher asked Ms. Millikin how did she figure out that information?

Ms. Millikin stated because it was next to a location that she was inspecting, and there was also a storefront sign that read Foot Massage. She stated that when she went into the establishment, there were also signs that said massage.

Mr. Marcher asked Ms. Millikin what did the sign say?

Ms. Millikin stated the sign read Foot Massage with the prices listed. She stated the sign also read Spa Services, Reflexology and Foot Massage.

Mr. Marcher asked Ms. Millikin if there were any licensed massage therapists at the location?

Ms. Millikin stated No. She stated they were licensed as Drugless Practitioners.

Mr. Marcher asked Ms. Millikin if Exhibit 1 was a copy of the compliance check given?

Ms. Millikin stated Yes.

Mr. Marcher asked Ms. Millikin what does the compliance check indicate?

Ms. Millikin stated that it indicates per NRS 640C.910, that a person that is not licensed to practice massage therapy, shall not use in connection with his name the words or letters Licensed Massage Therapists, or any other letters, words or insignia indicating or implying that he is licensed to practice massage therapy, or in any other way, orally, or in writing or print, or by sign, directly or by implication, use the word massage. She stated that this basically means that one can not advertise the word massage without having a Licensed Massage Therapist on staff.

Mr. Marcher asked Ms. Millikin if she gave Thousand Feet Reflexology a copy of the compliance check and asked if she explained to them what the problem was?

Ms. Millikin stated that she did explain what the problem was and they told her that it would be fixed.

Mr. Marcher asked if they appeared to understand what she was telling them?

Ms. Millikin stated Yes, and they stated they would have it fixed before the next time she came out to do an inspection.

Mr. Marcher asked if someone spoke English?

Ms. Millikin stated Yes.

Mr. Marcher asked Ms. Millikin if she went back to the establishment in May 2010?

Ms. Millikin stated Yes.

Mr. Marcher asked Ms. Millikin why did she go back to the establishment?

Ms. Millikin stated that because she was next door at another establishment, and because Thousand Feet Reflexology did not comply with the compliance check.

Mr. Marcher asked Ms. Millikin what did she observe when she returned in 2010?

Ms. Millikin stated that the sign inside of the store still advertised Foot Massage and the sheet with the prices still advertised massage.

Mr. Marcher asked Ms. Millikin if she took any pictures?

Ms. Millikin stated Yes.

Mr. Marcher asked Ms. Millikin if that is what Exhibit 3 is?

Ms. Millikin stated Yes.

Mr. Marcher asked Ms. Millikin why one picture showed the word massage covered up and the other picture did not?

Ms. Millikin stated that they did not cover the sign until after she cited them.

Mr. Marcher asked Ms. Millikin if that is why there are two pictures?

Ms. Millikin stated correct.

Mr. Marcher asked Ms. Millikin if it was at that point of her seeing the word massage that she issued the Citation?

Ms. Millikin stated Yes.

Mr. Marcher asked Ms. Millikin if she explained why she was issuing the Citation?

Ms. Millikin stated that she explained to the employees, and they contacted the owner. She stated the owner then came to the establishment, and she told her that she was issuing a Citation based on her not complying with the compliance check in 2009 to remove the word massage, and the owner stated that she understood. Ms. Millikin stated that she explained the options of the Citation to the owner of either paying the fee, appealing it or to make payment arrangements.

Mr. Marcher asked Ms. Millikin what statute did she base the Citation on?

Ms. Millikin stated NRS 640C.910, If a person is not licensed to practice massage therapy pursuant to this chapter, the person shall not:

(a) Engage in the practice of massage therapy;

(b) Use in connection with his or her name the words or letters "L.M.T.," "licensed massage therapist," "licensed massage technician," "M.T.," "massage technician" or "massage therapist," or any other letters, words or insignia indicating or implying that he

or she is licensed to practice massage therapy, or in any other way, orally, or in writing or print, or by sign, directly or by implication, use the word "massage".

Mr. Marcher stated that he does not have any further questions and if the Board has any questions, now would be the time to ask.

Ms. Shea asked Ms. Millikin why the date on the bottom of the pictures stated May 27, 2010? She asked if the camera was wrong?

Ms. Millikin stated Yes, the camera was wrong, and she did have to go back the next day to take pictures because the first time, they did not come out properly.

Ms. Chi stated that she does not remember receiving Exhibit 1, which is the compliance check.

Ms. Shea asked Ms. Chi who's signature is on the bottom of the compliance check?

Ms. Chi stated that she does not know.

Ms. Shea stated that because Ms. Chi is not running the business, she may not know who the person was that signed the compliance check.

Ms. Cooper stated that in Clark County and in the City of Las Vegas, they are required to have a responsible person in a Massage Establishment, but not necessarily in a Drugless Practitioner Establishment. She stated that this establishment is not dually licensed, and that they are only licensed as a Drugless Practitioner.

Ms. Chi stated that she does not know who that person is that signed the compliance check.

Ms. Shea asked Ms. Chi if she was running the business in January 2009?

Ms. Chi stated No.

Ms. Shea stated that the owner would be the one to know if the document was received, and not Ms. Chi. Ms. Shea stated that Ms. Chi stating that she did not receive the compliance check is not a valid point because she was not the owner in January 2009.

Ms. Chi asked if she could hold up the sign to show the word massage is covered?

Ms. Shea stated Yes.

Michelle Viesselman asked Ms. Chi if the sign originally said massage?

Ms. Chi stated Yes.

Ms. Viesselman asked Ms. Chi if she covered the word massage after the citation?

Ms. Chi stated Yes.

Ms. Viesselman asked Ms. Chi if she was admitting that the Citation is true?

Ms. Shea stated that Ms. Chi is trying to do the right thing, however, the current owner did not comply with the recommendation, and unfortunately, she is not present to speak to the accusation.

**Motion:** Michelle Viesselman made a motion to uphold the Citation for Thousand Feet Reflexology.

**Seconded:** Michael Smith

**Motion carried.**

## 7. \*Application Review

### a. Licenses Approved and Authorized by the Chairperson

**Motion:** Michelle Viesselman made a motion to approve the Licenses Approved and Authorized by the Chairperson

**Seconded:** Michael Smith

**Motion carried.**

### b. Review/Discuss/Action on California Schools – With Regards to National Certification Board for Therapeutic Massage & Bodywork and Royal Irvin College

Lisa Cooper stated that due to the sensitive nature, the National Board has asked to keep this information out of public distribution. Ms. Cooper stated that the Board is a public agency, so if anyone wishes to see the letter, a copy will be available in the office. She stated that she would like to try and keep the dissemination of it logged. Ms. Cooper stated that the National Board has pulled the number for Royal Irvine College, and that no students from this school are allowed to take the National Exam. She stated that they have cited two pages of Royal Irvine's students that have been in trouble in various states for issues with prostitution, and the owner of the school also has an establishment that is also in a lot of trouble. Ms. Cooper stated that the instructors listed on Royal Irvine's website have credentials, however, no one can find agencies that their credentials are from. She stated that the website for Royal Irvine also states that the students must take a course in English, however, the National Board has found this not to be the case. Ms. Cooper stated that 64.5% of the students have the schools address as the contact information, this way, the school can help the person navigate getting licensed without having to utilize English.

Keith Marcher, Chief Deputy Attorney General, stated that in regards to their request to keep the report confidential, unless the National Board has cited a statutory provision, once it is presented to the Board at a public meeting, it becomes public information. He stated that they can ask, however, we cannot keep the information from the public. Mr. Marcher stated that if someone wanted a copy right now, the Board will have to give it to them.

Ms. Cooper stated that she will give whomever requests a copy the information, she just wants to try and keep track of the information.

Mr. Marcher stated that he does not understand why the National Board would want to keep the information private. He stated the reason an investigation is done is to notify people of what is going on.

**Motion:** Michelle Viesselman made a motion to deny all applicants from Royal Irvine College based on the letter provided by the National Board as well as the school not meeting the Board's educational requirements.

Ms. Cooper stated that Royal Irvine also provides Continuing Education.

**Amended Motion:** Michelle Viesselman amended her motion to deny all applicants and Continuing Education courses from Royal Irvine College based on the letter provided by the National Board as well as the school not meeting the Board's educational requirements.

Mr. Marcher recommended the Board not vote on the motion today. He stated he would like to work on a specific agenda item for applications and continuing education hours. He suggested that the Board take all Royal Irvine applications on today's agenda normally based on the knowledge in the report.

Joe Cracraft asked Mr. Marcher if the Board could table the applications from Royal Irvine?

Mr. Marcher stated Yes, if they Board does not have enough information.

Ms. Viesselman stated that the education does not meet the Board's requirements.

Billie Shea stated that if the Board table's applications today, the applicant will have to appear before the Board again.

Kathleen Pilgreen stated that she read that there are also subsidiaries, and if the Board moves on this today, they may be limiting themselves.

Michelle Viesselman rescinded her motion.

**Motion:** Michelle Viesselman made a motion to table this information on Royal Irvine Schools until the next meeting, and include all subsidiaries involved with Royal Irvine College.

**Seconded:** Joe Cracraft

**Motion carried.**

- c. Review Application of Roxanne L. Sparman for Approval, Denial or Other Administrative Action Pursuant to NRS 640C.400 (4) – Not Present.

Lisa Cooper stated that Roxanne Sparman is before the Board due to not having completed a Massage Therapy Program. She stated Ms. Sparman is requesting to be granted a license under NRS 640C.400.

Billie Shea asked Ms. Cooper if Ms. Sparman is licensed in Oregon?

Robin Graber stated that she never intended to become licensed in Oregon because the last class is about becoming licensed in Oregon. Ms. Graber stated that she does have everything else.

Ms. Cooper stated everything except a Certificate of Completion, which is why her application is before the Board.

Ms. Shea asked if Ms. Sparman is licensed anywhere else?

Ms. Cooper stated that Ms. Sparman did not apply as a transfer and that she did fingerprint cards.

Ms. Graber stated that Ms. Sparman is licensed in Florida.

Kathleen Pilgreen stated that it appears the letter from Florida came after she applied with the Board.

**Motion:** Michelle Viesselman made a motion to table the application for Roxanne Sparman to get complete information.

**Seconded:** Robin Graber

**Motion carried.**

- d. Review Application of Vyacheslav Weston for Approval, Denial or Other Administrative Action Pursuant to NRS 640C.400 (4) - Not Present.

Lisa Cooper stated that Vyacheslav Weston is before the Board because the administrative staff was unable to obtain information on Mr. Weston's school and is requesting to be granted a license under NRS 640C.400.

Robin Graber stated that she was unable to find any information on the internet for this school. Ms. Graber asked Ms. Cooper if she tried to contact the school?

Ms. Cooper stated that the office does its due diligence prior to having the Board review the information, and the office was unable to find any information about the school.

Ms. Graber asked Ms. Cooper if she contacted the school?

Ms. Cooper stated that she tried, but was unable to find anything.

**Motion:** Robin Graber made a motion to deny the application for Vyacheslav Weston based on not having any information on the school.

**Seconded:** Michelle Viesselman

**Motion carried.**

- e. Review Application of Yasmin R. Sayer for Approval, Denial or Other Administrative Action Pursuant to NRS 640C.400 (4) - Present.

Lisa Cooper stated that Yasmin Sayer is before the Board due to education received in California and is requesting to be granted a license under NRS 640C.400. She stated that Sgt. Leonard Lorusso gave her information that Ms. Sayer was issued a Citation in 2008 at Cheetahs Erotic Dance Club.

Yasmin Sayer stated that she was not arrested. She stated that she was given a ticket and she paid a \$350.00 fine.



Billie Shea asked Ms. Sayer what the ticket was for.

Ms. Sayer stated that it was for dancing too close to a customer.

Ms. Shea asked if there is a law stating that you must be a certain distance?

Ms. Sayer stated that they are not allowed to touch a customer. She stated that five people were cited, and others were arrested. She stated that she was told her citation was equal to a ticket.

Joe Cracraft asked when did this happen?

Ms. Sayer stated in 2008.

Ms. Shea stated that Ms. Sayer graduated in 2005. She asked her when did she take the National Exam?

Ms. Sayer stated in 2008.

Ms. Shea asked if Ms. Sayer was working as a massage therapist?

Ms. Sayer stated No, because it was not enough money.

Kathleen Pilgreen asked Ms. Sayer what continuing education did she take with her Nationals?

Ms. Sayer stated that she took four or five different courses. She stated one was in Ethics, Lower Back Pain and she does not remember the rest.

**Motion:** Robin Graber made a motion to grant a license with no restrictions to Yasmin Sayer, provided that she provides certificates of 48 Continuing Education Hours.

**Seconded:** Michael Smith

Ms. Shea stated that in Ms. Sayer was working in a business that had strict rules, and she wants to ensure that Ms. Sayer does not bring that behavior into the massage profession. Ms. Shea stated that she does not have any hours in Boundaries, so the Board may want to look at that more closely.

Ms. Sayer stated that she did take Boundaries in school.

Ms. Shea stated that she sees all the other courses, however, nothing in Boundaries.

Joe Cracraft asked if all schools list Boundaries or is it integrated into Massage Theory and Technique?

Michelle Viesselman stated that it is usually in the Business Ethics.

Board discussion held on amount of Ethics Ms. Sayer should have.

**Amended Motion:** Robin Graber amended her motion to grant a license with no restrictions to Yasmin Sayer, provided that she provides certificates of 48 Continuing Education Hours, including a breakdown of Ethics and Boundaries.

**Seconded:** Michael Smith

**Motion carried.**

- f. Review Application of Jing Wang for Approval, Denial or Other Administrative Action Pursuant to NRS 640C.400 (4) – Present; Wai Mei Borgel, Interpreter – Present.

Lisa Cooper stated that Jing Wang is before the Board due to education received in California at Royal Irvine College and is requesting to be granted a license under NRS 640C.400. Ms. Cooper stated that Royal Irvine is one of the schools listed on the list from the California Massage Therapy Council.

Billie Shea asked Ms. Cooper if this is the first time the Board has seen this application?

Ms. Cooper stated Yes.

Ms. Shea stated to Ms. Wang that she only has 405 hours and is weak in several categories.

Michelle Viesselman stated that Ms. Wang is over 170 hours short in Theory and Technique and 31 hours short in Business Practice, Ethics and Boundaries.

**Motion:** Michelle Viesselman made a motion to deny the application for Jing Wang based on lack of education.

**Seconded:** Robin Graber

Ms. Wang asked how many hours does she need?

Ms. Shea stated that she is lacking a minimum of 95 hours. She stated that if Ms. Wang were to go to another school and obtain an additional 100 hours, chances are, that when she appears before the Board again, her application will probably be denied because she attended Royal Irvine College.

Ms. Wang asked what school she should attend?

Ms. Shea stated the Board does not recommend any school but there are plenty of good schools in Nevada.

Ms. Borgel asked if Ms. Wang attended Royal Irvine again, would it be denied?

Ms. Shea stated that she does not know that for sure.

Ms. Wang asked if she had to start over?

Ms. Shea stated if Ms. Wang chooses to take an additional 100 hours and bring the same education back before the Board, there is a chance that the application will still be denied.

Ms. Wang stated that she will attend another program.

Ms. Wang asked if she has to apply as a new applicant?

Ms. Shea stated that is her recommendation, however, she cannot tell her to do that.

**Motion carried.**

- g. Review Application of Shu Ling Liu for Approval, Denial or Other Administrative Action Pursuant to NRS 640C.400 (4) – Present; Wai Mei Borgel, Interpreter – Present.

Lisa Cooper stated that Shu Ling Liu is before the Board due to education received in California at USA Pain Care College and is requesting to be granted a license under NRS 640C.400. Ms. Cooper stated that USA Pain Care College is on the list provided by the California Massage Therapy Council.

Joe Cracraft asked Ms. Cooper what is the list?

Ms. Cooper stated that the California Massage Therapy Council has created a list of schools in California that have either fraudulent transcripts or that have issues with the transcripts and education, and they are requiring all applicants to supply additional information for the Council.

Michelle Viesselman stated that this was before the Board last time with a different spelling of Ms. Liu's name.

Ms. Cooper asked Ms. Viesselman if she was referring to the space in the name?

Ms. Viesselman stated Yes and asked which spelling is correct?

Ms. Cooper stated that it is correct, it was just what she was looking at when she was typing it, and sometimes it was put together and other times there was a space. Ms. Cooper stated that there was a problem with Ms. Liu's notice, so the Board has to undo what was done at the last meeting and review the application again.

Kathleen Pilgreen stated that it is interesting how her notes go from treating injuries to circulatory system to understanding tissues. She stated that the flow of education is different and she noticed it from other schools as well.

Ms. Viesselman stated that it questions whether the school is teaching the information or teaching the test.

**Motion:** Michelle Viesselman made a motion to deny the application for Shu Ling Liu based on lack of education.

**Seconded:** Kathleen Pilgreen

**Motion carried.**

Ms. Liu asked what she has to do now?

Ms. Shea stated that in the past, the Board has looked at the education and the applicant has to make it up. She asked Ms. Viesselman what she thought?

Ms. Viesselman stated that it is possible for Ms. Liu to resubmit her application if she takes what she is lacking in Theory and Technique and Boundaries and Relationships.

Ms. Shea stated that Ms. Liu is 20 hours short in Boundaries and Relationships and about 70 hours in Theory and Technique. She stated it would be in Ms. Liu's best interest to take Swedish Massage or Western Technology and to stay away from Reflexology.

Ms. Viesselman asked what the status was of Ms. Liu's background?

Ms. Cooper stated that Ms. Liu's prints kept being rejected. She stated that when fingerprints get rejected, they have to be resubmitted two more times before they can search by name.

Ms. Shea stated that the Board could give Ms. Lui until March of 2011 to turn everything in.

Ms. Cooper stated that fingerprint results are only good for six months.

**Amended Motion:** Michelle Viesselman amended her motion for Shu Ling Liu to waive the application fee if Ms. Liu meets the additional educational requirements up to August 13, 2011 and Ms. Liu will have to resubmit fingerprints at her own expense.

**Seconded:** Joe Cracraft

**Motion carried.**

- h. Review Application of Anna T. Rousculp for Approval, Denial or Other Administrative Action Pursuant to NRS 640C.400 (2) (8) (c) – Present.

Lisa Cooper stated that Anna Rousculp is before the Board due to taking the MBLEx and is requesting to be granted a license under NRS 640C.400.

Ms. Rousculp stated that she is currently licensed in Indiana. She stated that she knows that her hours are less than the Board requires, but she does have letters of recommendations from past employers and clients.

Billie Shea asked Ms. Rousculp what Continuing Education Hours she has taken?

Ms. Rousculp stated that she has only taken one course for Carpal Tunnel Therapy, because she has not had to take any for her Indiana license as of yet.

Ms. Shea stated that Indiana just recently started offering a State License and asked Ms. Rousculp if it has gone into effect yet or is it still voluntary?

Ms. Rousculp stated that it went into effect in 2007.

Ms. Shea stated that Ms. Rousculp has been working as a Massage Therapists for a number of years, because Indiana did not have a Licensing Program is the reason the Board is seeing this application.

Michelle Viesselman stated that she reviewed the hours of education closely for Ms. Rousculp and she is bothered by the fact that she only has 142.8 actual hours of education.

Ms. Rousculp stated that she recently took the MBLEx.

Ms. Viesselman stated that the MBLEx can be taken with any number of hours.

Ms. Shea asked Ms. Rousculp to tell the Board about her work history.

Ms. Rousculp stated that she worked at a couple of spas and mainly worked at Chiropractors offices.

Ms. Shea asked if it was as a Chiropractor's Assistant or as a Massage Therapist?

Ms. Rousculp stated mainly as a Massage Therapist, however she did alternate as a CA.

Joe Cracraft asked Ms. Rousculp if she did any training as a CA?

Ms. Rousculp stated Yes.

Ms. Shea asked Ms. Rousculp if she could provide documentation?

Ms. Rousculp stated that she probably could.

Ms. Viesselman asked Ms. Rousculp if any of the training was related to massage?

Ms. Rousculp stated No.

**Motion:** Michelle Viesselman made a motion to deny a license for Anna Rousculp based on lack of education.

**Seconded:** None

**Motion does not carry.**

Board discussion held on number of education hours Ms. Rousculp is lacking.

**Motion:** Michael Smith made a motion to grant a license to Anna Rousculp and allow one renewal period to take 100 hours in Anatomy and Physiology, 20 hours in Business and Ethics, in which online courses will be accepted and three college credits in Kinesiology and Physiology which is equal to 45 hours in a non college class, and waive the 12 Continuing Education Hours due at renewal.

**Seconded:** Robin Graber

**In Favor:** Robin Graber, Michael Smith, Joe Cracraft, Kathleen Pilgreen

**Opposed:** Michelle Viesselman

**Motion carried.**

- i. Review Application of Elisabeth D. Barnard for Approval, Denial or Other Administrative Action Pursuant to NRS 640C.400 (2) (8) (c) – Present.

Lisa Cooper stated that Elisabeth Barnard is before the Board due to the MBLEx Exam and is requesting to be granted a license under NRS 640C.400.

Billie Shea asked Ms. Barnard if she is licensed in Washington?

Ms. Barnard stated Yes.

**Motion:** Robin Graber made a motion to grant a license to Elisabeth Barnard with no restrictions.

**Seconded:** Michelle Viesselman

**Motion carried.**

- j. Review Application of Fatima Hayat for Approval, Denial or Other Administrative Action Pursuant to NRS 640C.400 (4) – Present.

Lisa Cooper stated that Fatima Hayat is before the Board due to education received in California at Royal Irvine College and is requesting to be granted a license under NRS 640C.400. Ms. Cooper stated that the school is on the list provided by the California Massage Therapy Council.

**Motion:** Robin Graber made a motion to deny the application for Fatima Hayat based on lack of education.

Michael Smith asked if Ms. Hayat was before the Board before?

Billie Shea stated Yes, and she has provided all the documentation requested by the Board.

Michelle Viesselman stated that Ms. Hayat is currently licensed in Arizona.

Ms. Cooper stated that since the California Massage Therapy Council has come up with the list of schools, Arizona has also changed their policies on licensing. Ms. Cooper stated that Ms. Hayat is active in Arizona and that she also went back to school for an additional 200 hours.

**Seconded:** None

**Motion does not carry.**

**Motion:** Michelle Viesselman made a motion to grant a license to Fatima Hayat with no restrictions, provided that Ms. Hayat obtain 26 hours in Business Practice and Boundaries within six months.

**Seconded:** Joe Cracraft

**Motion carried.**

Keith Marcher, Chief Deputy Attorney General stated that although Ms. Hayat attended school at Royal Irvine, she is licensed in another state and attended another school, which is why this case is different.

- k. Review Application of Guina Wang for Approval, Denial or Other Administrative Action Pursuant to NRS 640C.400 (4) – Present.

Lisa Cooper stated that Guina Wang is before the Board due to education taken in California at Royal Irvine College and is requesting to be granted a license under NRS

640C.400. Ms. Cooper stated that Royal Irvine is on the list by the California Massage Therapy Council.

Michelle Viesselman stated that Ms. Wang is short hours.

**Motion:** Michelle Viesselman made a motion to deny a license for Guina Wang based on lack of education.

**Seconded:** Robin Graber

**Motion carried.**

Billie Shea stated that she cannot tell Ms. Wang what to do, but there is a possibility that if the Board informs her exactly what hours she is short in, the application may still be denied at a future meeting.

- I. Review Application of Wei Ling Zheng for Approval, Denial or Other Administrative Action Pursuant to NRS 640C.400 (4) – Not Present.

Billie Shea asked the Board for a motion to table for a future meeting.

**Motion:** Michelle Viesselman made a motion to table for a future meeting.

**Seconded:** Michael Smith

**Motion carried.**

- m. Review Application of Zixian Chang for Approval, Denial or Other Administrative Action Pursuant to NRS 640C.400 (4) – Present; Stanley Yu, Interpreter – Present.

Lisa Cooper stated that Zixian Chang is before the Board due to education received in California at Royal Irvine College and is requesting to be granted a license under NRS 640C.400. Ms. Cooper stated that Royal Irvine is on the list provided by the California Massage Therapy Council.

**Motion:** Kathleen Pilgreen made a motion to deny a license for Zixian Chang based on lack of education.

**Seconded:** Michael Smith

Robin Graber stated that Ms. Chang is licensed in another state.

Michelle Viesselman stated that it is in California.

Ms. Cooper stated that she is certified in California.

Ms. Graber asked what about Illinois and Virginia?

Billie Shea asked Ms. Chang if she practiced massage in Illinois?

Ms. Chang stated No.

Ms. Shea asked Ms. Chang if she practiced in Virginia?

Ms. Chang stated No.

Mr. Yu stated that Ms. Chang is currently attending Americana College for massage therapy.

Ms. Viesselman stated that Americana College is not on the list.

Ms. Shea asked Ms. Chang when did she start attending Americana College?

Ms. Chang stated this week.

Ms. Viesselman stated that she would like to see the fees waived once she completes the program because Ms. Chang is in the process of correcting her education.

**Amended motion:** Kathleen Pilgreen amended her motion to deny a license for Zixian Chang and waive the application fee, and Ms. Chang will have to pay for the background fee.

**Seconded:** Michael Smith

**Motion carried.**

- n. Review Application of Wanpen Statom for Approval, Denial or Other Administrative Action Pursuant to NRS 640C.400 (4), NRS 640C.910 (4) – Present.

Lisa Cooper stated that Wanpen Statom is before the Board due to education received in California at Americana College, which is not on the list provided by the California Massage Therapy Council, and is requesting to be granted a license under NRS 640C.400.

Michelle Viesselman stated that she sees a citation from March 31, 2009 for unlicensed activity.

Ms. Cooper stated that the Board found Ms. Statom working at an establishment in 2009, and she was issued a Cease and Desist. She stated this was before the Citation Policy became active.

Billie Shea stated that Ms. Statom has two business licenses with Clark County, one Cosmetology Establishment License and one Non Resort, Massage Establishment License. Ms. Shea asked Ms. Statom if she has any massage therapists working for her?

Ms. Statom stated Yes, on call.

Ms. Shea asked if Ms. Statom was giving a massage?

Ms. Statom stated No.

Ms. Cooper stated Yes, Ms. Statom was the one giving a massage, which is why a Cease and Desist was issued.

Ms. Shea stated that Ms. Statom only has 85 hours in Theory and Technique and the Board requires 200.

Ms. Viesselman asked Ms. Statom what modalities did she study?



Ms. Statom stated she studied Thai, Swedish, and Shiatsu.

Ms. Viesselman asked Ms. Statom how many hours of hands on training?

Ms. Statom stated that every afternoon, the class would practice on each other.

**Motion:** Robin Graber made a motion to grant a license with no restrictions to Wanpen Statom.

**Seconded:** Michelle Viesselman

**Motion carried.**

- o. Review Application of Carol A. Richmond for Approval, Denial or Other Administrative Action Pursuant to NRS 640C.700 (1) – Present.

Lisa Cooper stated that Carol Richmond is before the Board due to criminal history that appeared on her background results. She stated that Ms. Richmond did not disclose the information on her application and is in violation of NRS.640C.700.1. She stated that had Ms. Richmond disclosed the information, she would have been able to grant her a license. She stated that Ms. Richmond is requesting to be granted a license under NRS.640C.700.

Ms. Cooper stated that Sgt. Lenny Lorusso gave her information from Metro that Ms. Richmond was using someone else's identification in 2002.

Ms. Richmond stated that she was addicted to pain pills. She stated she went to rehab for seven months and has now been drug free for seven years. She stated that she got her rights reinstated and she is still employed at the place that she worked since leaving rehab.

Billie Shea asked Ms. Richmond why she answered no to the background question?

Ms. Richmond stated she does not remember the application question.

**Motion:** Michael Smith made a motion to grant a license to Carol Richmond with no restrictions and for Ms. Richmond to correct the application.

**Seconded:** Joe Cracraft

**Motion carried.**

- p. Review Application of Yuping Wang-Wilson for Approval, Denial or Other Administrative Action Pursuant to NRS 640C.400 (4) – Not Present; Vicki Greco, Attorney-At-Law – Present.

Lisa Cooper stated that Yuping Wang-Wilson is before the Board due to having history with the Board that warranted a review. She stated that on August 31, 2007, Ms. Wang-Wilson was denied a license with the Nevada State Board of Massage Therapists. She stated that Ms. Wang-Wilson's records are sealed, therefore, there is no criminal history on her background. Ms. Cooper stated that Ms. Wang-Wilson is requesting to be granted a license under NRS 640C.400.

Michelle Viesselman asked Ms. Cooper if there is a current background check?

Ms. Cooper stated Yes, and the results were negative.

Vicki Greco stated that Ms. Wang-Wilson's original arrest was in 2005, when there was no Licensing Board. She stated that Ms. Wang-Wilson is a licensed Aesthetician and owns her own business in Henderson. She stated that Ms. Wang-Wilson came from China, she had a degree as a Doctor, and because there have been no arrests since 2005, Ms. Wang-Wilson would like to be granted a license with no restrictions.

Billie Shea asked if Ms. Wang-Wilson's salon does massage?

Ms. Greco stated No.

Ms. Cooper asked Ms. Greco if she had a copy of the business license?

Ms. Greco stated Yes.

Ms. Shea stated that she has a 2007-2009 business license and the cancellation date was January 2010. Ms. Shea stated that these are all out of date.

Ms. Greco stated that Ms. Wang-Wilson is closing her business down.

Ms. Cooper stated that she just spoke with the Cosmetology Board and Ms. Wang-Wilson's licenses are current and in good standing.

**Motion:** Michelle Viesselman made a motion to grant a license with no restrictions for Yuping Wang-Wilson.

**Seconded:** Michael Smith

**Motion carried.**

## 8. \* Discussion/Amendment/Approval of Board Meeting Minutes

a. June 11, 2010

**Motion:** Joe Cracraft made a motion to approve the Board Meeting Minutes for June 11, 2010.

**Seconded:** Kathleen Pilgreen

**Motion carried.**

## 9. \* Financial Report Discussion/Approval

a. Budget 09/10 End of Year

i. Approve to Send to Audit

Billie Shea stated for the record that Michelle Viesselman is out of the room.

Billie Shea asked Ms. Cooper to be consistent with the dates. She stated that she put 7/09 – 6/2010. She asked Ms. Cooper to only put the two digit year.

**Motion:** Kathleen Pilgreen made a motion to approve the Budget 09/10 End Year to send to Audit.

**Seconded:** Michael Smith

**Motion carried.**

b. Budget 2010/2011 Year to Date

Joe Cracraft asked Lisa Cooper if this is a proposed budget?

Ms. Cooper stated this is the budget that was approved for this year. She stated that she will remove proposed from the budget.

Billie Shea asked Ms. Cooper if the \$50,000.00 proposed Application Fees are based on 500 applicants, or is that just the application fees only?

Ms. Cooper stated Yes.

Mr. Cracraft asked what the bank charge was for?

Ms. Cooper stated that the Board does not have enough money in City National to have the charges waived, which is why there is a bank charge.

Mr. Cracraft asked Ms. Cooper how much money needs to go in for the fees to be waived?

Ms. Cooper stated that she would have to put in an additional \$150,000.00.

Mr. Cracraft asked how much money is in the bank now?

Ms. Cooper stated that there is \$90,000.00 in the Money Market account and the Checking Account fluctuates.

Michelle Viesselman asked Ms. Cooper how does City National compare with other banks?

Ms. Cooper stated it was comparable. She stated that she contacted the bank to ensure the Board was getting the most for their money. She stated that the Board's accounts are old, and if we choose to go with the new business checking account, the Board would be charged .12 cents per transaction. She stated that sometimes, people submit two or three money orders with their renewals.

Mr. Cracraft asked if this was comparable with other banks?

Ms. Cooper stated Yes.

Ms. Shea asked Ms. Cooper to shop banks and bring the information to the October Meeting.

**Motion:** Joe Cracraft made a motion to approve the Budget 2010/2011 Year to Date

**Seconded:** Michelle Viesselman

**Motion carried.**

## 10. \*Review/Discussion of Proposed NAC's

Lisa Cooper stated that Luis Ling is the person the Board has hired to write regulations to tighten up our laws. She stated that he has been put on task and has worked with various Boards and they have implemented this type of NAC in their regulations. Ms. Cooper stated that we do not have any authority over establishments and we need to have someone held responsible.

Mr. Ling stated that in Section 1, the changed policy is intended to strengthen the Board's authority regarding inspections and investigations. He stated that a lot of this language is drafted from the Board of Pharmacy, because, like the Nevada State Board of Massage Therapists, they can inspect establishments, and if someone refuses to let an inspector do their job, there will now be regulations for consequences. Mr. Ling added the following sections:

(d) Violating any term or condition of a subpoena or order issued by the Board or the staff of the Board;

(e) Failing to provide any document, data or information that is required to be made and maintained pursuant to chapter 640C of NRS and chapter 640C of NAC to a member of the Board or a member of the staff of the Board upon his request;

(f) Prohibiting a member of the Board or a member of the staff of the Board to enter the premises of a massage establishment during the massage establishment's normal operating hours;

(g) Interfering with or refusing to cooperate with the work being conducted by the member of the Board a member of the staff of the Board while on the premises of a massage establishment.

Mr. Ling stated that this still does not give the Board the right to kick down a door, but there will now be consequences. He stated in Section 2, in regards to managing therapists, this concept was also taken from the Pharmacy Board. He stated that now, each establishment must have a managing therapist, and this person will be responsible for ensuring that everything that goes on is pursuant to the Board's NRS, and if it is not, that person will be held responsible for allowing things to happen that are not per the NRS statute. Mr. Ling stated in Section 3, for anyone whose license is expired for more than 60 days, must now submit a complete set of fingerprint cards to be submitted to the FBI, and the license may not be restored until the report from the FBI has been received by the Board's office. He stated the reason for this, and he has spoken with Ms. Cooper, is that a person may be in jail and let their license lapse, and the Board may not know of any arrests because the current statute allows for the person to not be fingerprinted.

Billie Shea stated that she is concerned with Section 1, prohibiting access during normal business hours. Ms. Shea stated that a lot of times, a client may be in the room undressed, and asked how could this be reworded to protect the client?

Mr. Ling stated that he does not have an answer off the top of his head, however, he will reword the language for those that are in the act of treating a patient.

Ms. Cooper stated that the Board is seeing two things when they go out to inspect. The first is an inspector goes into the establishment, doesn't see anyone, goes into the hallway and sees that they are in session, and they leave a note stating that the Board came by and to please call us, or we will come back. She stated another situation the Board comes across is that in a strip mall, the door is locked and a doorbell must be rang in order to let you into the establishment, and when they come out to open the door, they see that it is an inspector, and they run out of the back door.

Michelle Viesselman stated that in her opinion, this is well phrased, because this prevents the Board from being locked out where they believe there is wrong doing.

Ms. Cooper stated that she wants to reiterate that the Board does not see a lot of this throughout Nevada, even in the South. She stated that there are select areas where you have to ring a doorbell to be let in. She stated that for those establishments, if someone runs out, they do not have anyone to contact. Ms. Cooper stated that sometimes people run out of the back door, and when they go in, on occasion, they have even found a client on the table, with no one else in the building.

Keith Marcher, Chief Deputy Attorney General stated to Ms. Shea that he feels the wording is okay because it states to enter the premises, not necessarily the treatment room.

Ms. Shea asked if in Section 2, where it states a managing therapists must be on site 40 hours per week, if that could be reworded, because where she works, there are several therapists who work as independent contractors and one person signs the lease.

Mr. Ling stated that he worded it so that it also reads if the establishment is regularly open less than 40 hours per week.

Robin Graber stated that where she works, everyone is self employed and asked if he could reword it to read managing therapists where there are employees?

Mr. Ling stated that if you are an independent therapist, you are your own managing therapists.

Ms. Cooper stated that if there are multiple therapists in one location, each location will also have multiple managing therapists. Ms. Cooper stated that if something is going on in an establishment, this gives us the right to go to the managing therapists to find out what is going on. She stated that the therapists will not be issued a Citation or anything, it is just someone to refer to, if for example there was an arrest, the Board can go to the managing therapist and say what happened, or what is going on?

Joe Cracraft asked Ms. Cooper if she was going to collect information on every establishment?

Ms. Cooper stated Yes that we currently file all compliance checks so we already know of the establishments, and if anything happens in a particular establishment, a copy will go into their file. She stated that this policy will start to hold massage therapists accountable for things that are going on in their establishment.

Michael Smith asked if Section 2, number 5 means that managing massage therapists are also held accountable for prostitution arrests?

Mr. Ling stated that Yes, this is the intent of the policy, that managing therapists need to be aware of what is going on in their establishment and the Board will now set this standard to hold them responsible.

Ms. Viesselman added that if there is wrong doing going on, the establishment will not be able to maintain a managing therapist, and ultimately, that will put everything else into jeopardy.

Ms. Cooper stated that 99% of the things that are going on are in the South. She stated that although the Board is making a small dent, something needs to be done to correct the number of files that she has on her desk.

Mr. Ling stated this gives the Board the authority to say that an establishment cannot be open, and eventually, the Board may be able to get some of the places to close.

Ms. Shea stated that for the expired license policy, she wants to make sure that it is in the Board's statute to request fingerprint cards.

Mr. Ling stated that generally speaking, it has to be done by the statute. He stated that the Board has the authority for new applicants and the section that deals with renewals of licenses after they expire, either before or after that section, he is going to try to extend that regulation. He stated that he cannot promise that LCB will not say that the Board has to get a bill.

Mr. Marcher added that this can be submitted to LCB, and if it passes, it does and if not, then it won't. He stated that it is LCB's job to catch everything.

Ms. Cooper stated that 60 days is not set in stone and asked the Board if that was okay?

Ms. Viesselman stated that she is okay with 60 days.

Ms. Cooper stated that the Inactive Policy states after two years the Board wants applicants to submit fingerprints.

Ms. Shea asked Ms. Cooper how much if someone is late?

Ms. Cooper stated that for someone who is expired, it is \$25.00 for every month that the person is late.

Ms. Shea stated that is a total of \$450.00, so wouldn't it be better to apply as a new applicant?

Ms. Cooper stated that anyone who expires is told that there is a \$25.00 per month late fee, with a maximum in late fees of \$500.00 plus \$150.00 for every renewal period. She stated that the office tells everyone it is cheaper to reapply, but some problems with reapplying are lack of education or not taking the National Exam for those who have grandfathered in, however, some people who have taken National's and who meet the education requirements, still opt to pay the full amount in late fees, which questions why they would rather pay those expenses.

Ms. Shea asked Ms. Cooper if there is a bailout where someone can say they were studying abroad or in the military?

Ms. Cooper stated that it depends, if someone is in the military, they have their military information and if someone was studying abroad, then they will have documentation of that.

Ms. Viesselman asked Ms. Cooper how long before an applicant is notified of renewal?

Ms. Cooper stated a minimum of 85 days.

Ms. Viesselman stated that she is okay with 60 days because that gives the person a total of 145 days to notify the Board.

**Motion:** Michelle Viesselman made a motion to take this to the next step and begin drafting language for the NAC.

**Seconded:** Joe Cracraft

**Motion carried.**

## 11. \*Review of Inspection Numbers

Robin Graber asked Lisa Cooper why there have been no inspections in the North in June or July?

Ms. Cooper stated that the office was short staffed and it was also the busy time of year with over 1,300 renewals.

Ms. Graber stated that she wants to make sure that inspections are going to start up again.

Ms. Cooper stated that Yes because there are at least five major problems in the North.

**Motion:** Michael Smith made a motion to approve the Inspection Numbers

**Seconded:** Joe Cracraft

**Motion carried.**

## 12. Review/Discussion of Letter of Support from the National Certification Board for Therapeutic Massage & Bodywork

Lisa Cooper stated that the City of Las Vegas revoked an establishment license and fined the establishment \$50,000.00. She stated that we applaud the City of Las Vegas. Ms. Cooper stated that a blogger picked up the story and immediately began blogging that the Nevada State Board of Massage Therapists "was not doing our job." Ms. Cooper stated that in fact, among the documents that the City of Las Vegas provided to the City Council, were agreements that were approved by this Board. She stated the blogger took a document that the Board is proud of and twisted it into something that is not. Ms. Cooper stated that last month, when the Board approved that STI was no longer accepted in Nevada, that investigation that the National Board did began because of the Nevada State Board of Massage Therapists due diligence of reviewing documents and questioning documents.

Robin Graber asked Ms. Cooper if she could repost a copy of this letter on Facebook in response to the blogger?

Ms. Cooper stated Yes, and that she will also post on the Board's website. Ms. Cooper stated that there have been some requests from people requesting the Board to rebuttal. She stated that she spoke with Billie Shea and Keith Marcher and they decided to not say anything because they will be adding fuel to the blogger's fire and it will continue to go back and forth. She stated that the National Board contacted her, and asked if they could give her a letter of support to post on the website and she stated Yes. Ms. Cooper stated that she will also give a copy to the Board Members and will also post on the Board's website.

Billie Shea stated that the letter submitted by the National Board will stand and she will not read it into the minutes.

### **13. \*Review/Discussion/Approval of Proposed Policy**

#### **a. Special Event Policy**

Lisa Cooper stated that David Otto was at the last meeting, and the Board asked that a policy be written for Special Events. She stated that the Board gave some direction as to how the policy should be. Ms. Cooper stated that the person must petition the Board, and the administrative office will not have the authority to decide if it is a special event or not, and this should be the responsibility of the Board. She stated that the person will petition the Board, stating the purpose of the event, the location, the length of the event as well as the date, and any other information the Board may want. She stated upon full Board review, the administrative office will provide a letter to the event sponsor, and it will have an event code or an event number, this way, the sponsor could supply whomever it is that will be applying to the office, with the event code. Ms. Cooper stated the Board talked about reduced fees for Special Event people. She stated the maximum the Board can charge is \$600.00 for the Background Check, \$300.00 for the Application Fee and \$400.00 for the issuance of a License. Ms. Cooper stated that currently, the fees are set at \$125.00 for the Background Check, \$100.00 for the Application Fee and \$150.00 for the License Fee, which is substantially lower than what could be charged. She stated that the Board does not want the event sponsor to go to a school in Nevada and say, work at my event and you can receive a license at a lower rate. She stated that anyone currently living in Nevada must abide by the Nevada law. Ms. Cooper stated that all special event people are going to be people coming from another state. If they are not licensed in another state, but meet the Board's requirements, they will have to do a background check. She stated that the special event people may never renew their license. She stated that she does not know how big or small this event will be, because the people could choose to renew their license and continue to practice in Nevada.

Michelle Viesselman stated that a concern is that the Board does not want a swinging door for illegitimate people in neighboring states.

Ms. Cooper stated that all event applicants must submit a completed application that meet the minimum requirements of Nevada, currently licensed in another state and in good standing, a minimum of 500 hours of education at an accredited massage therapy program, taken and passed the National Exam or the MBLEx, however the MBLEx is still an issue with the Board, and she stated she has a side note for MBLEx applicants that currently they must appear before the Board. She stated that any criminal history must also go before the Board and all standard processing times apply for special event applicants, there cannot be a rush on any applicants applying. Ms. Cooper stated that



we have to wait for information from the schools and information if the person is transferring from another jurisdiction, and that is out of the Board's hands.

Ms. Viesselman stated that it is not the Board's job to make the process simply, but correct.

Ms. Cooper stated that if the Special Event is cancelled or postponed, all event licensees will have to pay the current renewal fees if renewal is required.

Billie Shea asked Ms. Cooper if the event is postponed by one month, will the applicants have to come back?

Ms. Cooper stated No. She stated that if, for example, the event is scheduled for May 2011, and it is postponed until May 2012, those people that applied at a reduced rate, must pay the \$150.00 renewal fee, not the reduced rate of the issuance of a license. She stated that it would be hard administratively to keep track of who came in at a Special Event rate.

Ms. Shea asked Ms. Cooper if the licenses are valid for one year?

Ms. Cooper stated Yes.

Michael Smith asked Ms. Cooper if she could put Special Event on the licenses, that way the Board knows what has been done.

Ms. Cooper stated that she would have to change the programming in the computer to give a special license.

Ms. Viesselman stated that she has an issue with someone holding a license for a year at a reduced rate, when the person next to them has paid higher fees. She stated that the Board has to look at the equity with our other licensees.

Joe Cracraft asked Ms. Cooper why there has to be a license for one year for a special event? He asked why couldn't the Board put the dates on the license?

Ms. Cooper stated that the Board does not have the authority in our statute. She stated that we have a one year license and a 90 day license, which is a Temporary License that requires the person to have a supervising massage therapist.

Ms. Shea asked Ms. Cooper if David Otto could be the supervisor in this case? She stated that it would require him to be there.

Ms. Cooper stated that in order to receive a Temporary License, an application must be on file.

David Otto stated that he appreciates the written policy that the Board is working on. He stated that where he was coming from when he petitioned the Board, was to have the law changed, and a paragraph written so that there is something specific for Licensed Massage Therapists to be able to practice for occasional charitable or nonprofit events. He stated that he is willing to work with the Board with whatever they come up with.

Ms. Cooper stated that this policy was written to say that yes the Board can do a Special Event and here are the fees. She stated the Board can only issue a Temporary License if the person has an application on file, which negates from the other portion of the policy, and it will require the applicant to pay more fees, because the temporary license and the application for a Temporary License is in addition to the other fees.

Ms. Viesselman asked how much the Temporary License Fees are?

Ms. Cooper stated \$150.00 total.

Ms. Shea asked Ms. Cooper if the applicant is coming from another state, is the background done?

Ms. Cooper stated No. She stated that the office is still processing applications the same way as non Special Event people, so reducing the costs in those fees would not be cost effective. She stated the only thing that would be different is the issuance of a license. Ms. Cooper stated that the majority of the people will only be using the license this one time, so the manpower to print the licenses and mail them out is approximately \$50.00. She stated the other \$100.00 of the license fee goes towards regulating the licensees, sending letters and renewals, and the Board probably will not be doing that with the Special Event people.

Ms. Viesselman asked if the person could pay \$50.00 for the issuance of the license and \$50.00 to have a Temporary License good for 90 days?

Ms. Shea asked if there could be an application fee for the whole process, rather than fees for every person, eg, \$1,000.00 and a reduced license fee?

Ms. Cooper stated Yes, and Mr. Otto could be responsible for making sure the applications are filled out, the transcripts and certificate of completion are sent in, the photo is done and the sign off from the other state is sent.

Ms. Shea asked Mr. Otto if he was willing to do this?

Mr. Otto stated Yes.

Ms. Viesselman stated then a Temporary License would be issued?

Ms. Cooper stated Yes. Ms. Cooper stated that this is a Special Event Policy and asked the Board if they are going to require this for everyone that wants to do a Special Event?

Ms. Shea stated Yes, because if anything goes wrong, the Board needs to go after whomever is hosting the event, and it will also protect the Board in case someone comes in from another state and does something illegal, the Nevada Massage Therapist will be responsible.

Ms. Viesselman added that establishments have to have a managing massage therapist and their license is at risk, so the same would apply for the special event case.

Mr. Otto stated that Clark County wants a list from the Board, and he needs at least 45 days to submit the list. He stated that this event will be classified as a Special Event with Clark County, and they will have a list of vendors, not a list of massage therapists. He stated that he is willing to be the Supervisor with the State Board for the day of the event. Mr. Otto also stated that Clark County will list the therapists as vendors and not as massage therapists on the business license.

Ms. Viesselman stated that if the policy does not work, the Board can change what needs to be changed.

Ms. Cooper stated that she will change Number 1 on the policy to now read, Responsible Nevada Licensed Massage Therapist. She stated that she will remove the fees. She asked the Board are the fees going to be 1 – 500 applicants, \$1,000.00, 501 – 1,000 applicants, \$1,500.00? She asked the Board how they wanted fees rated.

Ms. Viesselman stated the Board will have to mediate the fees because it still has to pass through the Board's hands.

Ms. Cooper stated that she wants to make sure because she does not want someone to say they have 1,000 applicants but will only pay \$1,000.00.

Ms. Viesselman asked Ms. Cooper if the Board could afford to do 500 applicants for \$1,000.00?

Ms. Cooper stated Yes and if the applications are not ready, they will be returned back to Mr. Otto.

Ms. Shea asked Mr. Otto if approximately 200 people are interested?

Mr. Otto stated Yes, as of right now, but depending on how the policy is written, there may be more people interested.

Ms. Shea asked Ms. Cooper if she could do a paper license only?

Ms. Cooper stated Yes.

Mr. Otto asked if this policy is applicable to non Nevada residents only?

Ms. Cooper stated Yes, they have to be from another state, currently licensed in that state. She stated that Nevada residents must apply following the current laws.

Mr. Otto asked if it was true that schools with a Supervising Licensed Massage Therapist that represent a school can attend or volunteer for charity events to perform massage?

Ms. Cooper stated that under the NAC, there is something that specifically lines out charitable events and school functions, and if it is a school event, the instructor must be present at the event.

Ms. Shea stated that \$150.00 divided by 90 days, is around \$40.00 so she suggests the Board have an amount close to that.

Ms. Cooper stated each applicant will pay \$50.00, and the event sponsor will pay an event fee of \$1,000.00 for up to 500 people and be prorated from that, and also that the event fee will be non refundable. Ms. Cooper stated that the more people that Mr. Otto gets, the less each person will have to pay for the fees.

Ms. Shea asked Mr. Otto if this was agreeable?

Mr. Otto stated Yes.

Ms. Viesselman stated to Mr. Otto that this is only for people who are currently licensed outside of Nevada.

Ms. Cooper stated that if something is incorrect, it will be returned back to Mr. Otto.

Robin Graber stated that it was just brought to her attention that only 40% of schools are accredited, and we are asking for a minimum of 500 hours from an accredited school.

Ms. Viesselman stated to refer to the NRS.

Ms. Cooper stated that NRS 640C.400.4 states the Board shall recognize a program of massage therapy that is (a) approved by the Commission on Postsecondary Education; or (b) offered by a public college in this State or any other state. The Board may recognize other programs of massage therapy.

Ms. Graber asked if the Board was going to look at each person's education?

Ms. Cooper stated that the office reviews all applicant's education.

Ms. Graber asked if for the Special Event people, will the Board look at everyone who has not attended an accredited program?

Ms. Cooper stated that No, the office will refer back to the NRS that was previously stated, and if the education is met, it will be processed.

Ms. Graber stated okay.

Ms. Shea asked staff if they see anything wrong with the policy?

Lynette Carpenter asked who will be responsible if someone is not licensed and they are working?

Ms. Cooper stated that Mr. Otto will be responsible.

Ms. Shea stated that Mr. Otto could be given a Citation.

Ms. Carpenter stated that currently, the therapist is given the Citation, not the supervisor.

Ms. Cooper stated that because Mr. Otto would be the Supervisor, he would be the one cited for unethical behavior.

Mr. Otto asked what if the person is registered, but does not have the license on their person?

Ms. Cooper stated that the license must be on their person.

Mr. Otto stated that he will have assistants, and it will be part of their training that if someone does not have their license when they come in the door, they cannot work.

Ms. Viesselman stated that she would like to see the Nonprofit License also.

Mr. Otto stated that currently they hold a Nevada Nonprofit License and is currently applying for a 501 C.

Ms. Cooper asked the Board if they would want to see the 501 C?

Ms. Shea stated Yes and for Mr. Otto to submit it as soon as he receives it.

**Motion:** Joe Cracraft made a motion to table the Special Event Policy so the Board can see the written policy with all of the changes at the next meeting.

**Seconded:** Michelle Viesselman

**Motion carried.**

Billie Shea stated to Ms. Cooper to give Mr. Otto a copy of the revised policy.

#### b. Citation Policy Change

Lisa Cooper stated that she has included new NRS's with SB119 included in the Board packets. She stated that in our new regulations, it states that if a person is currently advertising massage therapy on an expired license, the Board can not issue a Citation until their license has been expired for 90 days. She stated a Cease and Desist must be issued. She stated that currently, a lot of people are advertising and working on an expired license and she would like to be able to issue a Citation immediately. Ms. Cooper stated that she has rewritten the policy to include a Citation may be issued immediately to any person that is currently advertising with a license that is expired more than 90 days, and stated that if the Board disagrees with the change, she will change it back to the old policy.

Billie Shea asked if this is for unlicensed people?

Ms. Cooper stated that it is for expired people.

Michelle Viesselman stated this is a good idea because the person is notified prior to them expiring.

**Motion:** Robin Graber made a motion to approve the Citation Policy.

**Seconded:** Michael Smith

**Motion carried.**

## 14. Public Comments

Bob Oliver stated that he has some concerns with the NAC's? He asked why does it have to be a natural born person?

Michelle Viesselman stated that it just means it has to be a real person.

Lisa Cooper stated that it means it has to be a person, not an LLC.

Mr. Oliver stated that he just wanted to ensure it did not mean a Mexican or Filipino person. He then stated that the Board knows who mostly everyone is. He stated that no one in his facility works more than 30 hours per week, because they are all independent contractors.

Ms. Cooper asked Mr. Oliver if he could sit down with her, and address his concerns, and she will bring the issues back to the Board, because he always has good ideas and she would like to hear his concerns.

Rebecca Willis stated that she has some similar concerns as Mr. Oliver. She stated that when something gets written into regulation, it gets applied to people who are doing their best to comply with the law, and that can have consequences of being disastrous to a persons' business. She also stated that where she works, there are independent contractors and the supervisor is not a massage therapist. She stated the way the law reads is that the organization would have to hire an additional person to be a managing therapist.

Billie Shea stated that this was a concern of hers also, and she believes that Mr. Ling took those concerns with him. She stated that Mr. Ling stated that an independent contractor will be responsible for themselves and their own business.

Ms. Willis stated that in some cases, the Independent Contractor is working under the business name, and they are acting as Independent Contractors, where they come in for a couple of hours and then leave. She stated that she believes the wording has consequences as it stands now and she has great concerns.

Ms. Shea stated that this will be a long process, that first the Board comes up with an idea, they talk about it, then it has to be taken to work group, then taken for public comment, then to Legislature, so there is plenty of time to get everything together.

Ms. Cooper stated that this will not affect the business owners. She stated that Independent Contractors are their own boss and that the majority of the few that are exceptions to the rule, have a Lead Massage Therapist.

Ms. Willis stated that the legal definition of establishment is a building, room or mobile unit where massage is done.

Ms. Cooper stated that it is any premises, mobile unit, building or part of a building where massage therapy is practiced.

Ms. Willis stated that the word establishment is being used differently in this case.

Ms. Cooper stated that she will speak with Mr. Ling about the wording.

Sandra Perez stated that her concern is regarding HIPPA. She stated that her first responsibility is to protect and honor her clients information and she does not see HIPPA addressed in the proposed NAC.

## 15. Future Agenda Items

## 16. \* Adjournment No later than 4:00 PM

**Motion:** Michelle Viesselman made a motion to adjourn the meeting at 4:00 p.m.

**Seconded:** Michael Smith

**Motion carried.**

Please note: The Nevada State Board of Massage Therapists may address agenda items out of sequence to accommodate persons appearing before the Board or to aid in the efficiency or effectiveness of the meeting. The Board may convene in closed session to consider the character, alleged misconduct, professional competence or physical or mental health of a person. (NRS 241.030)

\*\*Under the Public Comment agenda item, members of the general public may bring matters not appearing on this agenda to the attention of the Board. The Board may discuss the matters, but may not act on the matters at this meeting. If the Board desires, the matters may be placed on a future agenda for action. In consideration of others who may also wish to provide public comment, please avoid repetition and limit your comments to no more than three (3) minutes.

NOTE: WE WILL MAKE REASONABLE ACCOMMODATIONS FOR MEMBERS OF THE PUBLIC WHO ARE DISABLED AND WISH TO ATTEND THE MEETING. SHOULD SPECIAL ARRANGEMENTS FOR THE MEETING BE NECESSARY, PLEASE NOTIFY THE MASSAGE THERAPY LICENSING BOARD IN WRITING AT 1755 E. Plumb Lane Suite 252, Reno, NV 89502 or CALL LISA COOPER, (775) 688-1888, AS SOON AS POSSIBLE.

The Agenda was posted at the following places:

Grant Sawyer Building, 555 E. Washington Avenue, Las Vegas, NV

Office of the Attorney General, 100 N. Carson Street, Carson City, NV

Office of the Attorney General, 5420 Kietzke Lane Ste 202, Reno, NV

Nevada State Board of Massage Therapists Website

Nevada State Board of Massage Therapists, 1755 E. Plumb Lane Suite 252, Reno, NV 89502

Nevada State Board of Massage Therapists, 101 Convention Center Drive Suite 830,

Las Vegas, NV, 89109